

REMARKS

Claims 1-32 are pending in the application. Claims 1, 12 and 22 are independent claims. Claims 1-32 stand rejected.

Claim Rejections – 35 USC § 101

Claims 1-11 and 22-32 stand rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The examiner maintains that claims 1-11 are non-statutory because claim 1 ends with "set of instructions for correlating selected multimedia files", which purportedly does provide any practical or real world application.

Applicants respectfully disagree with the examiner's analysis. Consideration of the last element of the claim is not a proper § 101 analysis. The examiner should consider the claim as a whole and not how the claim "ends." Nevertheless, Applicants have amended the claims and requests reconsideration of the rejection.

The examiner maintains that claims 1-11 are non-statutory because claims 1-11 purportedly do provide any claim class statutory type (such as, method, system, apparatus, etc.,).

Applicants respectfully disagree with the examiners analysis and point out that the words "method, system, and apparatus" are not statutory classes. The statutory classes recited explicitly in section 101 are: process, machine, manufacture or composition of matter. Nevertheless, in order to expedite prosecution, Applicants have amended the claims and respectfully request reconsideration of the rejection.

The examiner maintains that claims 22-32 are non-statutory purportedly because computer readable-instructions are not executed by computer-readable medium.

Applicants do not understand what the examiner means that "computer-readable are not executed by computer-readable medium." Applicants have made no such claim. Nevertheless, Applicants have amended the claims to recite a computer-readable medium

having stored thereon computer readable-instructions. Reconsideration is respectfully requested.

Claim Rejections – 35 USC § 102

Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuhn (US Patent No. 6,052,440).

Regarding claim 1, the examiner maintains that Yuhn teaches, among other things:

multimedia files (col. 2, lines 60-67 to col. 2, lines 1-27, col. 5, lines 35-67 to col. 6, lines 1-50); a second data store comprising schedule data (col. 2, lines 60-67 to col. 2, lines 1-27, col. 5, lines 35-67 to col. 6, lines 1-50, col. 3, lines 43-67 to col. 4, lines 1-65); and, *a set of instructions for correlating selected multimedia files from the first data store with selected schedule data from the second data store* wherein the instructions provide information indicative of the correlated file by way of a network connection (col.1, lines 6-47, col. 2, lines 60-67 to col. 2, lines 1-27, col. 5, lines 35-67 to col. 6, lines 1-50, col. 3, lines 43-67 to col. 4, lines 1-65)

In response, Applicants have amended the claims to clarify the claimed invention. In particular, the claims, as amended, recite the particular way that the multimedia files are associated with the schedule data, that is “by associating the historical information of the multimedia files with the schedule data.” Moreover, the claims recite that the multimedia files and the schedule data are generated by different application programs and the method associates the multimedia files with the records that have an associated time function. This, in one example, provides the ability to take a set of photos and associate the photos with dates in a calendar.

Applicants submit that based on the above claim amendments, claim 1 patentably defines over Yuhn and respectfully requests reconsideration and withdrawal of the rejection.

Inasmuch as claims 2-11 depend from claim 1, Applicants submit that they also patentably define over Yuhn for at least the same reasons.

Regarding independent claim 12, Applicants have also amended that claim to clarify the distinction over Yuhn. In particular, claim 12 recites:

the records having the associated time function are generated by an application program that is a different application program than the at least one application program that generated the media files.

As such, two different application program generate files and records. One of the application programs generates media files and the other generates records having a time function. The method then correlates selected media files with selected records as a function of the time of creation of the media files and the time function associated with the records. The correlated information is then used in a temporal presentation to a user. For similar reasons as indicated above with respect to claim 1, Applicants also submit that claim 12 patentably defines over Yuhn. In addition, claim 12 recites that the correlation of the media with the time function is based on a time of creation of the media files.

Inasmuch as claims 13-22 depend from claim 12, Applicants submit that they also patentably define over Yuhn for at least the same reasons. Reconsideration and withdrawal of the rejection of claims 12-22 is respectfully requested.

Claims 22-32 contain similar limitations to claim 12 and are patentable over Kuhn for at least the same reasons. Reconsideration and withdrawal of the rejection of claims 22-32 is respectfully requested.

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CONCLUSION

In the view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the application for any reason, the Examiner is encouraged to contact Applicants' representative.

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